



BIENNIAL FEE RULE



Montana Fish, Wildlife & Parks

State Park System

~~January 2007~~
 2009

Biennial Fee Rule

INDEX

1. Fee Schedule - State Parks	1
2. Fee Schedule - Fishing Access Site Camping.....	4
3. Legal Authority for Fee Rules	5
4. Definitions.....	5
5. Fees	6
6. Special-Use Permits	9
7. Penalty.....	10
8. Posting of Designated Areas	11
9. Fee Exemptions.....	11
10. Alberton Gorge Commercial Use Area.....	13
11. Blackfoot River Special Recreational Permit Area	15
12. Severability Clause	17

1. ~~Daily entrance fees will not be charged to Montana residents. Visitors arriving in vehicles bearing Montana license plates at a state park for non-commercial purposes will be granted free day-use access for all occupants of the vehicle.~~
1. **Visitors driving Montana vehicles with a paid state park vehicle registration fee per §61-3-321, MCA, will be granted free daily access to state parks. Occupants of the vehicle will not be charged daily entrance fees.**
2. Camping fees ~~are~~ **may be** reduced by \$2 from listed in-season rates from Oct. 1 - April 30.
3. For campsites with electrical utilities there will be an additional \$3 **\$5** fee.
4. Non-resident children under 6 years old are admitted free to sites that charge a per-person daily entrance fee.
5. Non-residents ~~visitors to~~ **visiting** state parks ~~arriving~~ **that charge an entrance fee per vehicle, but who arrive** by foot, bus, bicycle, etc. will pay a per-person daily entrance fee of \$4 **\$3**. (Motorcycles are considered passenger vehicles.)
6. Overnight camping fees include a 4% accommodation tax and a 3% sales tax.

FEE RULE SUMMARY

(for complete Fee Rule specifics, please see pgs. 6-17)

SITE	<u>DAY USE/ CAMPING USE TYPE</u>	NON-RESIDENT DAILY ENTRANCE FEE		CAMPING FEE
		Vehicle	Person	(RESIDENT AND NON-RESIDENT)
Ackley Lake	Day Use & Camping			Donations accepted
Bannack	Day Use & Camping	\$5		\$12 <u>\$15</u> Tipi - \$25/night
Beavertail Hill	Day Use & Camping	\$5		\$15 Tipi - \$25/night
Big Arm (No daily entrance fee for enrolled Salish-Kootenai tribal members.)	Day Use & Camping	\$5		\$15 Yurt - \$40 <u>\$45</u> /night
Black Sandy	Day Use & Camping	\$5		\$15
Brush Lake	Day Use	\$5		N/A
Chief Plenty Coups (No fee for Native Americans)	Day Use & Camping	<u>\$5</u>	Adult \$2 Ages 6-12 \$1	N/A
Cooney	Day Use & Camping	\$5		\$15

SITE	DAY USE/ CAMPING <u>USE TYPE</u>	NON-RESIDENT DAILY ENTRANCE FEE		CAMPING FEE
		Vehicle	Person	(RESIDENT AND NON-RESIDENT)
First Peoples Buffalo Jump	Day Use & Camping	\$2 \$5	\$2 Adult Ages 6-12 \$1	N/A
Finley Point Boat mooring buoy.....\$4 Boat slip.....\$5 (No daily entrance fee for enrolled Salish Kootenai tribal members.)	Day Use & Camping	\$5		\$15
Frenchtown Pond	Day Use	\$5		N/A
Giant Springs	Day Use	\$5		N/A
Greycliff Prairie Dog Town	Day Use	\$2 \$5		N/A
Hell Creek	Day Use & Camping	\$5		\$15
Lake Elmo	Day Use & Camping	\$5		N/A
Lake Mary Ronan	Day Use & Camping	\$5		\$12 \$15
Lewis & Clark Caverns	Day Use & Camping	\$5 (Visitors not taking cave tour)		\$15 Cabins- \$40 \$45 /night
Guided Tours* Adults\$10 Children (6-11 years).....\$5 Education Groups Student \$4 Adult \$8 * Note: For visitors who retain their receipt, fee is \$8 for second and each subsequent caverns tour in a given season. Candlelight cave tours = \$15 for adults, \$8 for children (6-11 years) (late December only)				
Logan	Day Use & Camping	\$5		\$15
Lone Pine Meeting Room*	Day Use	\$5		N/A

SITE	DAY USE/ CAMPING <u>USE TYPE</u>	NON-RESIDENT DAILY ENTRANCE FEE		CAMPING FEE (RESIDENT AND NON-RESIDENT)
		Vehicle	Person	
Half day (up to 4 hours).....\$60 — Full day (4-8 hours).....\$100 — Hour or part of (over 8 hours).....\$10 — *20 % discount Monday—Thursday for — non-profit groups				
Lost Creek	Day Use & Camping			Donations accepted
Madison Buffalo Jump	Day Use & Camping	\$5		N/A
Makoshika	Day Use & Camping	\$5		\$12 \$15
Missouri Headwaters	Day Use & Camping	\$5		\$12 \$15 Tipi - \$25/night
Painted Rocks	Day Use & Camping			Donations accepted
Pictograph Cave	Day Use	\$5		N/A
Placid Lake	Day Use & Camping	\$5		\$15
<u>Rosebud Battlefield</u>	<u>Day Use</u>	<u>\$5</u>		<u>N/A</u>
Salmon Lake	Day Use & Camping	\$5		\$15
Spring Meadow Lake	Day Use	\$5		N/A
Thompson Falls	Day Use & Camping	\$5		\$12 \$15
Tongue River Reservoir	Day Use & Camping	\$5		\$12 \$15
Travelers' Rest	Day Use & Camping	<u>\$5</u>	\$2	N/A
Wayfarers	Day Use & Camping	\$5		\$15
West Shore	Day Use & Camping	\$5		\$15
Whitefish Lake	Day Use & Camping	\$5		\$15 (Hiking/biking shared tent camping sites = \$7 per tent)
Yellow Bay (No daily entrance fee for enrolled Salish — Kootenai tribal members)	Day Use & Camping	\$5		\$15
<u>Yellowstone River</u>	<u>Day Use & Camping</u>	<u>\$5</u>		<u>\$15</u>

FISHING ACCESS SITE CAMPING

No camping discounts for non-resident passport holders.

Region 1 (Kalispell)	Thompson Chain-of-Lakes	Region 4 (Great Falls)	Bean Lake Bynum Reservoir Craig Dearborn Eureka Reservoir Lichen Cliff Martinsdale Reservoir Mid-Canon Mountain Palace Newlan Creek Reservoir Nilan Reservoir Pelican Point Pishkun Reservoir Prewett Creek Prickley Pear Spite Hill Stickney Creek Willow Creek Reservoir Wolf Creek Bridge
Region 2 (Missoula)	Browns Lake Chief Looking Glass Clearwater Crossing Corrick's Riverbend Forest Grove Hannon Memorial Harpers Lake Harry Morgan Monture Creek Ninemile Prairie River Junction Russell Gates Memorial Stuart Mill Bay Thibodeau Upsata Lake		
Region 3 (Bozeman)	Dailey Lake Ennis Fishtrap Grey Cliff Harrison Lake Loch Leven Maidenrock Mallard's Rest Salmon Fly Valley Garden Varney Bridge York's Island	Region 5 (Billings)	Bighorn Bratten Castle Rock Grey Bear Indian Fort Water Birch Whitebird
		Region 6 (Glasgow)	Bear Paw Lake
		Region 7 (Miles City)	Intake Dam Rosebud East

NOTE: THERE ARE NO DAILY ENTRANCE FEES AT FISHING ACCESS SITES.

- Fishing Access Site (FAS) camping fees shall be \$7 per night for fishing license holders and \$12 per night for non-fishing license holders.
- FAS camping seasons vary based upon specific site conditions, location, and other factors. Some sites may close during the winter season or other portions of the year. Please check with the Regional FWP office for details.
- Non-residents who purchase a two-day, ten-day, or full-season fishing license at any time within the current license year shall be considered license holders for the entire year for the purposes of this rule.

STATE OF MONTANA

DEPARTMENT OF FISH, WILDLIFE & PARKS

BIENNIAL FEE RULE
STATE PARK SYSTEM USER FEES

EFFECTIVE ~~December 2006~~ January 2009

I. LEGAL AUTHORITY FOR RULES

- A. Sections 23-1-106, 15-1-122, 61-3-321, 87-1-303, 23-1-105, MCA, and ARM 12.8.213, authorize the collection of fees and charges for use of Montana state parks and fishing access sites, and rule-making for the sites' use, occupancy, and protection. Section 23-1-118 authorizes resident/non-resident fee differentials in primitive parks. Under this authority, the Fish, Wildlife & Parks (FWP) Commission has set these fees and rules.
- B. This fee rule is for non-commercial and specific commercial users of state parks and fishing access sites (FASs), the Alberton Gorge, and the Blackfoot River. Commercial users of state parks and other FWP-administered lands are regulated per Administrative Rules of Montana (ARM). Permits are issued for commercial use and fees are assessed through the commercial use permit process.

II. DEFINITIONS

- A. "Camper unit" is defined as any sleeping device, such as a tent, motorhome, camping bus, pull-type camper, or trailer, designed and commonly used for sleeping. A camper unit may include a combination of one vehicle and one sleeping unit at a single location (for example, a motorhome with an additional tent, a pickup camper with an additional tent, etc.).
- B. "Commercial use" of state park and fishing access site lands shall be administered according to the Department's commercial use rules.
- C. "Non-resident daily entrance fee" is the fee for gaining access to "designated fee areas" of the state park system, either by an annual passport or daily entrance permit.
- D. "Non-resident passport" is a pass (receipt plus windshield sticker) that allows the driver of a non-resident vehicle or a receipt holder to gain entrance to state parks in lieu of the daily entrance fee for one fee year.
- E. "Non-resident vehicles" shall be defined as vehicles bearing license plates from a state or province other than Montana.
- F. "Primitive parks" are those sites listed in §23-1-116, MCA, subject to special restrictions on development and fee collection.

- G. “Resident” is defined as per §87-2-102, MCA.
- H. “Single visit” is a stay within a designated area during a daily period when the park is open for public use. Payment of a single visit fee authorizes exits from and re-entries to all designated fee areas for the date the fee is paid.
- I. “Vehicle” means any passenger car, motorcycle, mini-van, pickup truck, truck, camper, or motorized boat (where means of access is by water), and does not include vehicles engaged in commercial use.

III. FEES

- A. Visitors driving Montana vehicles with a paid state park vehicle registration fee per §61-3-321, MCA, will be granted free daily access to state parks. Occupants of the vehicle will not be charged daily entrance fees.

- B. Non-resident Daily Entrance Fees

- 1. The non-resident entrance fee provides for the entry of one private, non-commercial vehicle and its occupants into a park area, or the entry of a single person into a park on foot, by bus, bicycle, or means other than by conventional motor vehicle for a "single visit." The daily entrance permit is valid only for the date issued.

Non-residents will pay either a daily entrance fee or a camping fee to a state park, but not both.

Where applicable, non-residents or non-resident vehicles shall not enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee per ARM 12.8.213.

Non-resident daily entrance fees to state parks are \$5 per vehicle OR a ~~\$1 to~~ \$3 per-person fee, depending on the specific park. (See pages 1-3.)

Non-residents entering a designated fee area on foot, by bicycle, passenger bus, or similar means, will pay the single person entrance fee rather than the vehicle fee.

Individual non-residents with a disability accessing a state park in a vehicle that are the sole occupant of that vehicle will be charged the single-person daily entrance fee, rather than the vehicle fee.

- 2. Non-resident State Park Passport

A passport is an annual non-resident pass in lieu of daily entrance fees. To be valid, it must be permanently affixed to the interior lower left area of the vehicle's windshield. It permits free day use of all designated fee

areas. It can be purchased at selected license agents, department offices, and designated recreation fee areas. It is valid for one license year (March 1 through the last day of February) and admits non-commercial vehicles and occupants into state parks. The following are the costs for non-resident state park passports.

- a. Over-the-Counter Passports
 - i. \$25 per non-resident vehicle
 - ii. \$20 for each additional non-resident vehicle
- b. E-Passport Sales
 - i. Non-residents may purchase state park passports via the Internet and print a temporary copy.
 - a. The purchaser's temporary permit will be valid for entry into state parks for a period of seven (7) days following the date of purchase.
 - b. The purchaser will receive the passport in the mail
 - ii. In addition to the cost of the passport, a service fee is assessed for E-Passports purchased via the Internet.
- c. Additional Passport Information
 - i. When purchasing more than one non-resident state park passport, all vehicles must be registered to the same street address.
 - ii. Duplicate non-resident state park passports (i.e., lost or destroyed passports) are \$10.
 - iii. Holders of non-resident state park passports who replace windshields must present the peeled-off passport or the largest remnants for a free replacement.

C. Camping Fees

- 1. An overnight camping fee is charged per:
 - a. "Campsite," if sites are individually designated and numbered:
 - i. A single campsite may be occupied by a party of up to eight (8) individuals, AND
 - ii. No more than one camper unit may occupy one campsite unless posted otherwise.

- b. “Camper unit,” if sites are not designated.
- 2. Campsites may not be left unattended for more than 48 hours unless the area is otherwise posted per ARM 12.8.205(3). Most state park campsites are posted for nightly occupancy.
- 3. Fees for overnight camping are ~~\$12 to~~ \$15 per night (fees may be reduced \$2 in off-season).
 - a. Campsites cannot be reserved or “held” by an individual or party for another individual or party arriving later.
 - b. An individual may not pay camping fees to reserve or hold an unoccupied site.
 - c. Upon arriving at and occupying a campsite, the visitor must immediately pay the required camping fee.**
- 4. Boats of any type are not defined as “sleeping units” or “camper units” for the purpose of this fee rule, unless they are moored offshore or within a designated boat slip or marina.
- 5. Group camping fees will be determined by the park manager based on the number of camping units and the fees in place at the individual park, group size, length of stay, potential impacts to the site, and administrative costs (Ref. Section IV. C.).

D. Other Park Fees

- 1. The FWP commission delegates to the director the authority to establish fees for unique situations outside the Biennial Fee Rule (§23-1-105, MCA). These fees may include, but are not limited to:
 - a. Guided tours by staff
 - b. Specialized sites (rifle ranges)
 - c. Boat mooring and storage facilities
 - d. Marine battery charging
 - e. Vehicle and trailer storage facilities
 - f. Electricity
- 2. Special-event guided tours by staff (other than Lewis & Clark Caverns Cave Tours): \$2 to \$5

- E. Camping in state-provided structures (yurts, tipis, cabins) includes daily entrance fees for the party.

F. Boat mooring buoy (per day): \$4

G. Boat slip rental (per day): \$5

H. Meeting room rates for the use of Visitor Centers shall be:

- 1. \$25/hour**
- 2. \$75/half day**
- 3. \$125/full day**

I. Showers: \$1 for three (3) minutes.

J. ~~Special event fees ranging from \$1 to \$5 per person or \$4 to \$5 per vehicle or some combination of the two may be charged.~~

IV. SPECIAL-USE PERMITS

A. Permit Process: Special-Use Permits may be issued to groups or individuals to authorize specific uses of FWP-administered property. Examples of activities for which a special-use permit is required may include, but are not limited to, the following:

- | | |
|---------------------------|-------------------|
| ◆ Group use | ◆ Athletic events |
| ◆ Group camping | ◆ Special events |
| ◆ Fishing derbies | ◆ Weddings |
| ◆ Educational visits | |
| ◆ Plant/insect collection | |

1. All groups of 30 or more must secure a special-use permit. Permit stipulations may be applicable on a case-by-case basis.
2. The proposed use must comply with pertinent state and federal laws and regulations including public health, safety, and air and water quality.
3. The proposed use will not adversely impact neighboring properties existing Archaeologic, historic, cultural, or natural values and will not conflict with park management objectives and guidelines.
4. Park managers will judge if cleanup and restoration of resources or facilities is acceptable.
5. For group activities at FWP sites other than the specific structures listed, the park manager shall establish a fee, depending on the location, size of group, and other factors evaluated on a case-by-case basis.
6. Telephone reservations for special-use permits may be made to the appropriate regional headquarters or park office. All telephone reservations must be confirmed within five (5) days by completing and filing a special-use permit and paying the required fees by cash or check at the appropriate regional office.

7. Park managers may establish limits for the appropriate size of groups at specific parks or areas within individual parks.

B. Fees for Special-Use Permits: Appropriate fees and deposits shall be paid before a special-use permit is issued. Fees for a special-use permit **for group use shelters** shall be assessed as follows:

1. Shelters

◆ Giant Springs/Heritage Park Shelter	\$75 minimum
◆ Lewis & Clark Caverns Shelter	\$75 minimum
◆ Makoshika Shelter	\$75 minimum
◆ Makoshika Amphitheater Area	\$75 minimum
◆ <u>Spring Meadow Lake Shelter</u>	<u>\$75 minimum</u>
◆ <u>Big Arm Shelter</u>	<u>\$75 minimum</u>
◆ <u>Johnsrud FAS Shelter</u>	<u>\$75 minimum</u>
◆ <u>Hell Creek Shelter</u>	<u>\$75 minimum</u>
◆ <u>Bear Paw Lake FAS Shelter</u>	<u>\$75 minimum</u>
◆ Frenchtown Pond Shelter	\$75 minimum
◆ Lake Elmo Shelter	\$75 minimum
◆ Harry Horn Shelter	\$75 minimum

2. A cleaning/security deposit of \$100 (minimum) shall be paid before issuance of the permit.

3. **Special-use fees ranging from \$3 to \$5 per person, or \$5 per vehicle, or some combination of the two may be charged.**

4. **FWP, in conjunction with the Bureau of Land Management, requires a Special Recreation Permit for commercial use, competitive events, and organized group activities at FWP and BLM access sites along the Blackfoot River and Madison River.**

- a. **The permit fee for commercial use is determined by the FWP Commercial Use Permit Fee Rules.**
- b. **The permit fee for competitive events is \$3 per person per day, or \$95, whichever amount is greater.**
- c. **The permit fee for organized groups is \$3 per person per day.**

C. Group Camping

1. ~~Regional~~ Park managers will determine group camping fees based on the number of camping units, group size, type of activity, length of stay, and administrative costs and the fees in place at the park. Group camping fees will not be less than the standard published camping fees.
2. FWP representatives have sole authority and discretion to determine if violation of rules and regulations or undue expense for cleanup or

3. Group use site rental or event fees include the daily entrance fees as applicable.
 4. For groups with unusual or unique needs or extraordinary circumstances, park managers may negotiate fees and conditions with approval of the FWP director **(or his designee)**.
- D. Refunds for Special-Use Permits: Refunds will be granted under the following circumstances:
1. If a reservation is canceled more than ~~three (3)~~ **seven (7)** days in advance, the use fee and cleaning/security deposit will be refunded.
 2. If a reservation is canceled less than ~~three (3)~~ **seven (7)** days before the intended use period, only the cleaning/deposit will be refunded.
 3. If the group use area is unavailable for the intended use due to unforeseen conditions, both the fee and deposit will be refunded.

V. PENALTY

- A. No person shall enter or use park areas, campgrounds, or other facilities, or otherwise participate in programs or activities for which a fee has been established without first paying the required fee. Any violation of this provision is punishable by a fine not to exceed \$500 (§23-1-106, MCA, and ARM 12.8.213).
- B. Violation of fee requirements, administrative rules, or state laws may result in immediate expulsion from the area in addition to other enforcement actions.

VI. POSTING OF DESIGNATED AREAS

- A. Where a fee is charged, fee requirements will be prominently signed and posted.
- B. Individual sites within the State Park or Fishing Access Site (FAS) system may have areas and/or special events posted with special site-specific regulations. The Fish, Wildlife & Parks Commission delegates to the FWP Director (or his Designee) the authority to post areas for special rules related to public use, health, safety, welfare, and resource protection (§23-1-106, MCA). These may include, but are not limited to:
 1. Hours and season of operation.
 2. Length of overnight stay allowed.

3. Areas where camping is restricted to designated areas only.
4. Areas/events or seasons where dogs and other pets are not allowed.
5. Areas/events in which glass containers are not allowed.
6. Areas/events in which alcohol is not allowed.
7. Areas where use of firearms is prohibited and/or special weapons restrictions have been established as posted.
8. Sites where paintball-gun use is prohibited.
9. Restrictions on the use or placement of geocaches.

VII. FEE EXEMPTIONS

- A. In the public interest, the director (or his designee) may prescribe certain hours or days during which the collection of a fee should be discounted or exempted for specific events, when services are reduced, or facilities are closed, or in case of hardship.
- B. ~~No daily entrance fee shall be charged in the following instances:~~
 1. ~~Educational Groups—Organized school groups visiting for educational or scientific purposes qualify for a daily entrance fee exemption if:~~
 - a. ~~—The educational or scientific purpose is related to the resources of the area being visited.~~
 - b. ~~—The group is from a bona fide institution established for these purposes, including home schools.~~
 - c. ~~—The group applies for and receives an exemption of fees by documenting their official status as an educational or scientific institution, by providing a statement of the purpose of their proposed visit.~~
 - d. ~~—The use for which the exemption is proposed is not primarily for recreational purposes.~~
 2. ~~Park Thoroughfares—For travel over any road or highway established as part of the National Federal Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the designated day use fee area.~~
 3. ~~In Holding Access—For travel by private non-commercial vehicle over any road or highway to any land within any designated day use fee area in which such person has a property right.~~
 4. ~~Official Government Business—Any person conducting state, local, or federal government business.~~
 5. ~~Under Six—For persons under 6 years of age.~~

- ~~6. Treaty Rights For persons having right of access to lands or waters within a designated fee area for hunting or fishing privileges under a specific provision of law or treaty.~~
 - ~~7. Toilet Breaks For non residents whose sole purpose when they stop in a state park is to use a toilet.~~
- €. State law (§ 23-1-105(2), MCA) provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:
1. Senior citizen 62 years of age or older. Photo identification with Montana resident address (e.g., Montana Driver's License).
 2. Person with a disability. Verification of disability can be either a disability form obtained from FWP and signed by a physician, or a Resident Disability Conservation License. Either of these items must be presented as proof of disability.
 - ~~3. Senior citizens with a disability. The senior/disabled discount cannot exceed 50% of the overnight camping fee at an individual site.~~ 3. **Discounts – Only one discount shall be applied to an overnight camping fee, not a combination. If available at a specific park, no discount shall be applied to the electrical fee or to any other fees such as boat slips, firewood, etc.**
 4. Golden Years' Pass. A senior citizen with a Golden Years' Pass will be granted free camping. The Golden Years' Pass is valid only if the holder or spouse is in the camper unit of the vehicle to which it is attached. This pass is non-transferable. The original holder of a Golden Years' Pass can obtain a replacement pass at any FWP office or the Helena headquarters for \$1 by showing a portion of the original pass. The Golden Years' Pass has not been issued to citizens 62 or older since 1989. In 2007 **2009** the holder must be at least ~~80~~ **82** years old.

IX. ALBERTON GORGE COMMERCIAL USE

- A. **BOUNDARIES.** For the purpose of this fee rule, the boundaries for commercial use activities in the Alberton Gorge shall be defined as the region between and including St. John's FAS to Forest Grove FAS along the Clark Fork River and shall be known as the Gorge.
- B. **OUTFITTERS PERMITS**
 1. Outfitter permits shall be administered according to the FWP commercial use rules.
 2. An outfitter permit is valid for the time period specified on the permit, not to exceed five (5) years. The permit will include special terms and conditions. The Department has the option of withdrawing or retiring a

permit held by an outfitter who violates federal or state laws or rules or Department regulations or other terms and conditions of the permit.

3. If an authorized Albertain Gorge outfitter sells or transfers their permitted business in its entirety, the Department shall issue a new commercial use permit to the new owner so long as the seller has remitted all fees due the Department and so long as the buyer has obtained all other licenses or permits required by state or federal law and agrees to the terms of the permit.
4. The recipient of an outfitter permit may not sell, lease, rent or otherwise receive compensation from another person or entity for the opportunity to use the permit.

C. DEFINITIONS

1. “Commercial Users” of the Gorge shall be defined as those businesses or groups who charge a fee of any type in the course of their activities on any FWP-controlled property within the Gorge. The use of advertising and/or marketing is an additional means to further define commercial use.
2. “Historical Commercial Users” of the Gorge shall be defined as those businesses that demonstrated commercial use of the Gorge before January 1, 1998. Past and current commercial users of the Gorge had to document historical use by registering with FWP by March 15, 1999. Those who failed to demonstrate proof of prior commercial use by that date will not be considered historical commercial users.
3. “Commercial Use Limitations” limits the users allowed to conduct commercial activities within the Gorge. Effective March 15, 1999, only demonstrated historical commercial users will be allowed to conduct commercial activity within the Gorge.
4. “Registration of Commercial Users” is the permitting process for all commercial users of the Gorge. Effective March 1998 and extending through March 15, 1999, a registration and permitting process for all commercial users of the Gorge was implemented by FWP. The purpose of the registration process was to identify and document all historical commercial users of the Gorge.
5. “Commercial Use Fee” is 3% of a commercial user’s yearly, unadjusted gross revenue for that portion of their commercial business conducted on the Gorge. The 3% commercial use fee shall be paid to FWP in two installments. The first payment shall be 50 % of the commercial user’s anticipated yearly revenue and shall be due on March 15 of each year. The second installment shall be due on December 1 of each year and shall be based upon the actual commercial use proceeds generated during the past commercial use season. The second payment shall “balance the books” for an individual commercial user for that year.

ALBERTON GORGE
AUTHORIZED OUTFITTERS as of ~~March 1999~~ September 2008

<u>BUSINESS NAME</u>	<u>CITY</u>	<u>BUSINESS NAME</u>	<u>CITY</u>
10000 Waves	Missoula	*Northern Idaho College	Coeur d'Alene, ID
4 Seasons <u>Clark Fork Ministry Center</u>	Superior	Northstar Wilderness	Liberty Lake, WA
Blackfoot River Outfitters	Missoula	Northwest Voyageurs	Lucille <u>Pollock</u> , ID
Blue Ribbon Guide Service	Missoula	Pangaea Expeditions <u>River Rafting</u>	Superior
Board of Missoula <u>Edge of the World</u>	Missoula	Quartz Creek Confluence <u>Confluence Rafting Expeditions</u>	Seeley Lake
*Eastern Washington University	Cheney, WA	River Odysseys West	Coeur d'Alene, ID
*Fairchild AFB	Fairchild AFB, WA	River Resource Outfitters	Missoula <u>Hall</u>
High Plains Drifter	Missoula	Rocky Mountain Whitewater	Missoula
John Maki Outfitters <u>Zoo Town Surfers</u>	Helena <u>Missoula</u>	Rugg's Outfitting	Superior
Lewis & Clark Trail Adventures	Missoula	Tarkio Kayak Adventure	Missoula
*Malmstrom AFB	Great Falls	*U of M Campus Rec	Missoula
Modus Operandi	Coeur d'Alene, ID	Western Waters and Woods	Superior
Montana River Guides	Lolo <u>Florence</u>	Wild River Adventures	West Glacier <u>Whitefish</u>
Montana River Outfitters	Great Falls	Wiley Whitewater <u>Wiley E. Waters</u>	Liberty Lake, WA <u>Post Falls, ID</u>
Montana River Works	Bozeman		
*Institutional Outfitters			

- X. **BLACKFOOT RIVER SPECIAL RECREATION PERMITS** The department will issue Blackfoot River Special Recreation Permits pursuant to ARM 12.11.6501 thru 12.11.6575 and the FWP Commercial Use Rules. In addition to the requirements of the ARM rule, the following rules for group size and fees shall apply.

A. **MAXIMUM GROUP SIZES.** (Organized and Commercial Groups)

River Reach	Organized Groups Maximum size, (individuals)	Commercial Groups Maximum size, (individuals)
1. Headwaters to the Mineral Hill area	0	0 floating 3 wade fishing
2. Mineral Hill area to North Fork confluence	12	12
3. North Fork confluence (or Harry Morgan FAS) to Russell Gates FAS	21	21
4. Russell Gates FAS to Roundup FAS	30 (40 from May 1 to June 15)	30 (40 from May 1 to June 15)
5. Roundup FAS to Johnsrud Park FAS*	30 (40 from May 1 to June 15)	30 (40 from May 1 to June 15)
6. Johnsrud Park FAS to Bonner	Based upon site capacity	Based upon site capacity
7. North Fork of Blackfoot to Harry Morgan FAS (confluence).	0	12

*At Whitaker Bridge FAS, the maximum commercial group size will be 25 individuals from June 15 through Labor Day.

Whitewater Season – (River reaches 4 and 5) The May 1 through June 15 group sizes established for these two river reaches are intended to accommodate the traditional spring runoff and whitewater rafting season. The Department, acting through the Region 2 Supervisor, may adjust this approximate six week time period annually to address seasonal peak spring flows conditions.

An applicant, whose application falls outside the limits of these established group size criteria, will have the option of seeking an Environmental Assessment specific to their proposal from the department. Such requests may be subject to cost recovery.

“Site capacity” is the number of people each site can accommodate without significant impacts to the site resources or social experience. It is the maximum use level for all recreational use, including the combined use of a recreation site by the general public and any permitted recreational uses (commercial, competitive and organized groups). Each permit in this river reach will be determined on a case-by basis.

B. COMPETITIVE EVENTS PERMIT CRITERIA:

The impacts and acceptable size limits for competitive events will be assessed on site-specific capacities and suitability. The permitted group size for a competitive event may be smaller than the maximum group size designated in the site capacity matrix based on the cumulative impacts of all anticipated use. Special Recreation Permits will not grant exclusive use of a recreation site to any permitted group.

For each competitive event requiring a Special Recreational Permit, the following criteria will be used to determine the maximum group size of the proposed event:

1. The compatibility of the group size and activity with the river reach as described in the Blackfoot River Recreation Management Direction.
2. Whether the combined use (both anticipated general public and Special Recreational Permit use) is expected to be within the site capacity limits.
3. Whether the site is capable of accommodating the proposed number of people and vehicles without site damage and/or degradation.
4. Whether the proposed activity and group size is compatible with the site facilities.
5. If the proposed event is to occur in critical native fish recovery areas, the activity is to be consistent with current bull trout recovery considerations.
6. The season of year, the day of the week, and the time of the day of the proposed event.
7. The duration of the event.
8. The benefits to the public and/or river resources.

~~C. FEES~~

- ~~1. Special Recreation Permit fees apply to commercial use, competitive events, and organized groups occurring on lands within the defined boundary owned or managed by the department. This includes permitted activities on the water that originate or terminate on lands owned or managed by the department.~~
- ~~2. Blackfoot River Special Recreation Permit fees shall be as follows:~~
 - ~~a. Commercial user's fee is an annual fee of 3% of a user's yearly, unadjusted gross revenue proceeds for that portion of their business conducted on lands within the defined boundaries; or an annual fee of \$90; whichever is greater.~~

b. ~~The competitive use fee shall be \$2 per person per day or \$90 per event, whichever is greater.~~

c. ~~The organized group use fee shall be \$2 per person per day.~~

XI. SEVERABILITY CLAUSE If a part of this fee rule is invalid, all valid parts are severable from the invalid part and shall remain in effect. If a part of this fee rule is invalid in one or more of its applications, the part remains in effect in all valid applications severable from the invalid applications.

STEVE DOHERTY, Chairman DATE
Fish, Wildlife & Parks Commission

M. JEFF HAGENER, Director DATE
Fish, Wildlife & Parks